

REMARKS

The Examiner has rejected Claims 21, 23, 25, 30, 32, 34, and 38 under 35 U.S.C. 103(a) as being unpatentable over Knight et al. (USPN 676506) in view of Karasavas (USPN 5133556) and Sellar (USPN 5662530). The Examiner has further rejected Claims 22, 24, 31, and 33 under 35 U.S.C. 103(a) as being unpatentable over Knight et al. (USPN 676506) in view of Karasavas (USPN 5133556) and Sellar (USPN 5662530) in further view of Johnson (USPN 5704846) and Ryan (USPN 2035277). Applicant respectfully disagrees with such rejections, especially in view of the amendments made hereinabove.

In particular, applicant has incorporated the subject matter of Claims 22 and 31 into Claims 21 and 30, respectively. Since the subject matter of Claims 22 and 31 were previously considered, applicant contends that such amendments would not require further search/consideration. Both Claims 21 and 30 now require "text [that] indicates that the putt target marking is the point on the golf ball to be struck when putting." Moreover, Claim 34 requires "indicia [that] further includes text which indicates that the drive target marking is the point on the golf ball to be struck when driving."

While the Examiner previously invoked Official Notice to declare the above textual indicia as being obvious, the Examiner now relies on the following excerpt from Johnson.

"Desirably, a series swing tips 116 to the golfer using sleeve 12 are printed, embossed or otherwise provided on the outer face of wall member 24 directly below pocket 60 and the area 50. Exemplary tips may for example be the terms "RELAX, STANCE, ARM STRAIGHT, LOOSEN GRIP, EASY SWING", which are in the order that the golfer should follow in preparing to swing club 22. It is also noteworthy that the words constituting swing tips for the golfer are at an angle such that the individual can readily read the text when he or she addresses the ball as depicted in FIG. 1." (col. 6, 45-55)

Moreover, the Examiner states that one having ordinary skill in the art would have found it obvious to incorporate text on any type of device or object, as taught by Johnson, in order to indicate instructions, in particular, how to address a golf ball.

Applicant simply disagrees. Johnson teaches the use of such text on a leg harness. "In order to rely on a reference as a basis for rejection of an applicant's invention, the reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the inventor was concerned." See MPEP 2141.01(a). To simply glean such an excerpt from the art of leg harness indicia and combine the same with concepts from the non-analogous art of golf ball indicia would simply be improper.

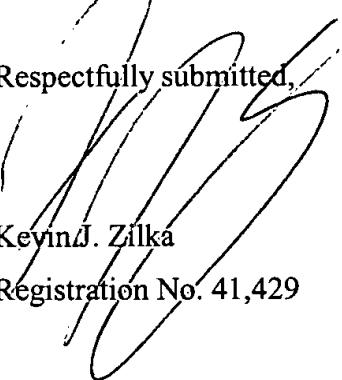
More importantly, the Examiner's proposed combination still fails to meet applicant's claims. In particular, only applicant teaches and claims "text [that] indicates that the putt target marking is the point on the golf ball to be struck when putting" and "indicia [that] further includes text which indicates that the drive target marking is the point on the golf ball to be struck when driving." It would hinder one considerably to have to continuously be distracted from a golf ball during a swing in order to read and benefit from textual indicia on a leg harness. To solve such problem, applicant's claimed features allow for "using indicia situated on the outer surface of the body [of a golf ball]," such that a user's attention may remain on a ball where it belongs.

Moreover, applicant points out that it would be nearly impossible for text on a leg harness to perform the function claimed in combination with applicant's indicia. In particular, only applicant's indicia can feasibly "indicate... that the putt target marking is the point on the golf ball to be struck when putting" and "indicate... that the drive target marking is the point on the golf ball to be struck when driving."

Simply nowhere in the prior art is there such a combination of features and components for fulfilling the foregoing objectives. Thus, an allowance of all pending independent claims is requested. By virtue of the dependence of the remaining claims, such claims are also deemed allowable.

In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at (408) 505-5100. If any fees are due in connection with the filing of this paper, then the Commissioner is authorized to charge such fees to Deposit Account No. 50-1351 (Order No. PET1P001A).

Respectfully submitted,


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